

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

*Plaintiff,*

V.

23.311 ACRES OF LAND, MORE OR  
LESS, SITUATE IN HIDALGO COUNTY,  
STATE OF TEXAS; AND FRANK  
SCHUSTER FARMS, INC., ET AL.,

*Defendants.*

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CASE NO. 7:19-CV-407

## JOINT STATUS REPORT REGARDING STATUS OF SETTLEMENT

COMES NOW, Plaintiff UNITED STATES OF AMERICA and Defendant Defendants Frank Schuster Farms, Inc., *et al.* and El Sabino Family Farms, LLC (“Schuster Farms”) (together, the “Parties”), and jointly file this Status Report, and inform the Court as follows:

1. On December 10, 2019, Plaintiff filed a Complaint in Condemnation<sup>1</sup> and Declaration of Taking<sup>2</sup> to acquire a fee simple interest in 23.311 acres, more or less, identified as Tract RGV-WSL-4000, located in Hidalgo County, Texas.

2. On September 13, 2022, the Parties reached a mediated settlement agreement regarding the amount of just compensation to be paid by the United States for the taking of Tract RGV-WSL-4000. This settlement amount exceeds the just compensation estimate previously deposited and disbursed to Defendants—and thus the settlement agreement required that the United States make an additional deposit into the Court’s Registry.

<sup>1</sup> Dkt. No. 1

2 Dkt. No. 2.

3. On October 14, 2022, the Court issued its Order to Show Cause, ordering a Show Cause hearing for November 18, 2022.<sup>3</sup>

#### **STATUS OF SETTLEMENT AND PRAYER**

5. The Parties file this status report to advise the Court regarding the status of settlement, and to request an additional fifteen (15) days to file their dismissal documents:

a. ***Additional deposits.*** The Parties hereby advise the Court that the additional funds requested were deposited into the Court's Registry on November 15, 2022.<sup>4</sup>

b. ***Dismissal documents.*** Now that the additional deposit has been made, the Parties are finalizing their dismissal documents to establish just compensation, disburse funds on deposit to Defendant, and close the case. The Parties anticipate they will be able to file these documents within the next fifteen (15) days, considering the Thanksgiving break next week.

6. Accordingly, the Parties respectfully request that their deadline to file the dismissal documents (or a status report regarding the status of settlement) be reset for at least fifteen (15) days so that the Parties can finalize their disbursement and dismissal documents. The Parties also request that the Show Cause Hearing currently set for November 18, 2022, be cancelled, or at least reset for fifteen (15) days.

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<sup>3</sup> Dkt. No. 80.

<sup>4</sup> Dkt. No. 81

**FOR DEFENDANTS:**

By: Nick P. Laurent (with permission)

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Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I certify that on November 17, 2022, this document was filed by CM/ECF.

s/ Christopher D. Pineda

**CHRISTOPHER D. PINEDA**  
Assistant United States Attorney